

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

C. A. No. 10-CV-04636-JRT-AJB

ALLSTATE INSURANCE COMPANY;
ALLSTATE INDEMNITY COMPANY;
ALLSTATE PROPERTY AND CASUALTY
INSURANCE COMPANY; DEERBROOK
INSURANCE COMPANY; ENCOMPASS
INDEMNITY COMPANY; and
NORTHBROOK INDEMNITY COMPANY,

Plaintiffs,

vs.

EDUARDO BULLON; ADVANCED
IMAGING MRI OF MINNESOTA, LLC;
SPINE IMAGING MRI, LLC;
CENTRAL MEDICAL CLINIC, LLC –
CLINICA CENTRAL; CENTRAL
NEUROLOGY CLINIC, LLC; and
ALFONSO MORALES-UTRILLA, M.D.,

Defendants.

**AFFIDAVIT OF NATHAN A. TILDEN IN SUPPORT OF PLAINTIFFS’
MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Nathan A. Tilden, state as follows:

1. I am a shareholder of Smith & Brink, P.C. and am counsel for plaintiffs, Allstate Insurance Company, Allstate Indemnity Company, Allstate Property and Casualty Company, Deerbrook Insurance Company, Encompass Indemnity Company, and Northbrook Indemnity Company (collectively, “Allstate”).

2. I submit this affidavit in support of plaintiffs' motion for partial summary judgment.
3. Attached hereto at Exhibit 1 is a true and accurate copy of excerpted portions of Spine Imaging MRI, LLC's ("Spine Imaging") Response to State Farm Mutual Automobile Insurance Company's First Set of Interrogatories, dated August 29, 2011.
4. Attached hereto at Exhibit 2 is a true and accurate copy of the protocol produced by Spine Imaging in discovery at SPINE0026406.
5. Attached hereto at Exhibit 3 is a true and accurate copy of excerpted portions of the deposition of non-party witness Jason Schmitt, dated April 30, 2012.
6. Attached hereto at Exhibit 4 is a true and accurate copy of the Affidavit of William J. Ford, M.D., dated February 17, 2012.
7. Attached hereto at Exhibit 5 is a true and accurate copy of the curriculum vitae of Scott R. Schultz, M.D.
8. Attached hereto at Exhibit 6 is a true and accurate copy of the Affidavit and expert report of Scott R. Schultz, M.D.
9. Attached hereto at Exhibit 7 is a true and accurate copy of excerpted portions of the deposition of party witness Eduardo Bullon, dated April 23, 2012 and May 30, 2012.
10. Attached hereto at Exhibit 8 is a true and accurate copy of the Employment Agreement executed between Hans Castro, D.C. and Spine Imaging, dated October 13, 2008.

11. Attached hereto at Exhibit 9 is a true and accurate copy of excerpted portions of the deposition of non-party witness Hans Castro, D.C., dated April 25, 2012.
12. Attached hereto at Exhibit 10 is a true and accurate copy of excerpted portions of the deposition of party witness Alfonso Morales-Utrilla, M.D., dated April 24, 2012.
13. Attached hereto at Exhibit 11 is a true and accurate copy of a photograph depicting the name of William J. Ford on the door to Spine Imaging's office.
14. Attached hereto at Exhibit 12 is a true and accurate copy of excerpted portions of Spine Imaging's Response to Allstate's First Requests for Admissions, dated April 16, 2012.
15. Attached hereto at Exhibit 13 is a true and accurate copy of the resolution naming William J. Ford, M.D. as an officer of Spine Imaging produced by Spine Imaging in discovery at SPINE0020370.
16. Attached hereto at Exhibit 14 is a true and accurate copy of the Purchase Agreement signed by William J. Ford, M.D. on behalf of Spine Imaging produced by Spine Imaging in discovery at SPINE0020367-SPINE0020369.
17. Attached hereto at Exhibit 15 is a true and accurate copy of filings with the Minnesota Department of Health listing William J. Ford as having a financial interest in Spine Imaging produced by Spine Imaging in discovery at SPINE0027070 and SPINE0027089.
18. Attached hereto at Exhibit 16 is a true and accurate copy of a representative interpretative report authored by William J. Ford, M.D. on Spine Imaging

letterhead produced by Spine Imaging in discovery at SPINE0019674-
SPINE0019675.

19. Attached hereto at Exhibit 17 is a true and accurate copy of the brochure distributed by Hans Castro, D.C. on behalf of Spine Imaging that was marked as "Exhibit 1" during Castro's April 25, 2012 deposition.
20. Attached hereto at Exhibit 18 is a true and accurate copy of excerpted portions of the deposition of non-party witness Jennifer Hentges, dated April 25, 2012.
21. Attached hereto at Exhibit 19 is a true and accurate copy of a representative bill from Spine Imaging to Allstate for the technical component only.
22. Attached hereto at Exhibit 20 is a true and accurate copy of a representative bill from Northstar Radiology/William J. Ford, M.D. to Allstate for the professional component only.
23. Attached hereto at Exhibit 21 is a true and accurate copy of a representative "marketing film" produced by Spine Imaging in discovery.
24. Attached hereto at Exhibit 22 is a true and accurate copy of excerpted portions of the deposition of non-party witness Randall Norsby, dated May 30, 2012.
25. Attached hereto at Exhibit 23 is a true and accurate copy of excerpted portions of the deposition of non-party witness Henri Minette, dated May 31, 2012.
26. Attached hereto at Exhibit 24 is a true and accurate copy of excerpted portions of Spine Imaging's Answers to Allstate's First Set of Interrogatories, dated April 16, 2012.

27. Attached hereto at Exhibit 25 is a true and accurate copy of excerpted portions of Eduardo Bullon's Answers to Allstate's First Set of Interrogatories, dated April 11, 2012.

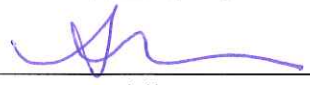
[SIGNATURE PAGE FOLLOWS]



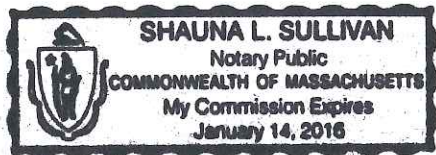
Nathan A. Tilden

Dated: 7/9/12

Subscribed and sworn to before
me this 9th day of July, 2012.



Notary Public – Massachusetts
My commission expires _____




Certificate of Conformity

State of Massachusetts

County of Norfolk

On the 9th day of July in the year
2012 before me, the undersigned, personally appeared
Nathan A. Tilden, personally known to me
or proved to me on the basis of satisfactory evidence to be the individual(s) whose
name(s) is (are) subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their capacity(ies), that by his/her/their
signature(s) on the instrument, the individual(s), or the person upon behalf of which the
individual(s) acted, executed the instrument, and that such individual made such
appearance before the undersigned in the Town of Braintree
(insert the city or other political subdivision and the state or country or other place the
acknowledgement was taken).



Notary Public

Printed Name: Shauna L. Sullivan

My Commission Expires:

January 14, 2016